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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,137	02/12/2002	Junichi Yamagishi	F-7234	8924
28107	7590	12/01/2005	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/074,137	YAMAGISHI, JUNICHI	
	Examiner	Art Unit	
	Lisa Hashem	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 7, 10, 11, 13-15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 10, 11, 13-15, and 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 2 is objected to because of the following informalities: the brackets should be removed in '....[on the basis of the input of personal information by said mobile communication terminal]...'. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims (1, 13, 17), (2, 3, 6, 7, 14, 15, 18), (10, 19), (11, 20), and 21-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,846,238 by Wells.

Regarding claim 1, Wells discloses a control apparatus (Fig. 1, 100), using a mobile communication terminal (Fig. 1, 125), comprising:

a game play portion, having at least a game start approval button, which enables a game play according to personal information (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67);

an input portion, for reading as input personal information to identify a user intending to operate the game play portion through a mobile communication terminal, to enable call making (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67); and

a control portion, which identifies the user on the basis of the input of personal information (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15) and thereafter makes a call to an accounting

center (Fig. 4, 410) and actuates a game credit switch, to enable the game play by said game play portion (col. 8, lines 47-55), when said game start approval button is operated, wherein said accounting center inherently bills corresponding to said call made by operating said game start approval button (col. 23, lines 55-65).

Regarding claim 13, the control apparatus using the mobile communication terminal according to claim 1, wherein Wells further discloses said mobile communication terminal makes said input by radio (col. 11, lines 16-29).

Regarding claim 17, the control apparatus using the mobile communication terminal according to claim 1, wherein Wells further discloses said input portion, having a connection port for inserting said mobile communication terminal, reads personal information from said mobile communication terminal inserted into said connection port (col. 23, lines 9-16).

Regarding claim 2, Wells discloses a control apparatus (Fig. 1, 100), using a mobile communication terminal (Fig. 1, 125), comprising:

a game play portion, having at least a game start approval button, which stores game play information and enables a game play according to personal information (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67);

an input portion, for reading as input personal information to identify a user intending to operate the game play portion through a mobile communication terminal, enabling to make a call (col. 9, line 52 – col. 10, line 21); and

a control portion (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15), which identifies the user on the basis of the input of personal information and thereafter makes a call to an information service center (Fig. 4, 430) and actuates a game credit switch to enable the game play by said

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game play portion when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal (col. 8, lines 47-55), wherein said information service center inherently bills corresponding to said call made by operating said game start approval button (col. 21, lines 38-56; col. 23, lines 48-65).

Regarding claim 3, the control apparatus using the mobile communication terminal according to claim 2, wherein Wells further discloses said information service center stores game play information and dispatches said stored game play information corresponding to said call; and said control portion receives said dispatched game play information and outputs said received game play information prior to said game play (col. 23, lines 48-65).

Regarding claim 6, a control apparatus using the mobile communication terminal according to claim 2 mentioned above, wherein Wells further discloses an identification number input portion for inputting an identification number, wherein said control portion makes said call to the information service center if said input personal information and said input identification number coincides with personal information stored therein in advance and if said game start approval button is operated (col. 10, lines 6-9; col. 21, lines 38-56; col. 23, lines 48-65).

Regarding claim 7, a control apparatus using the mobile communication terminal according to claim 3 mentioned above, wherein Wells further discloses an identification number input portion for inputting an identification number, wherein said control portion makes said call to the information service center if said input personal information and said input identification number coincides with personal information stored therein in advance and if said game start approval button is operated (col. 10, lines 6-9; col. 21, lines 38-56; col. 23, lines 48-65).

Regarding claim 14, a control apparatus using the mobile communication terminal according to claim 2 mentioned above, wherein Wells further discloses said mobile communication terminal makes said input by radio (col. 11, lines 16-29).

Regarding claim 15, a control apparatus using the mobile communication terminal according to claim 3 mentioned above, wherein Wells further discloses said mobile communication terminal makes said input by radio (col. 11, lines 16-29).

Regarding claim 18, the control apparatus using the mobile communication terminal according to claim 2, wherein Wells further discloses said input portion, having a connection port for inserting said mobile communication terminal, reads personal information from said mobile communication terminal inserted into said connection port (col. 23, lines 9-16).

Regarding claim 10, Wells discloses a control method using a mobile communication terminal (Fig. 1, 125) comprising:

a game play portion, having at least a game start approval button, which enables a game play according to personal information (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67);

an input portion (col. 9, line 52 – col. 10, line 21), for reading as input personal information to identify a user intending to operate the game play portion through a mobile communication terminal, enabling to make a call; and

a control portion (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15), which identifies the user on the basis of the input of personal information and thereafter makes a call to an information service center (Fig. 4, 430) and actuates a game credit switch to enable the game play by said game play portion when said game start approval button is operated (col. 8, lines 47-55), wherein

said information service center inherently bills corresponding to said call made by operating said game start approval button (col. 21, lines 38-56; col. 23, lines 48-65).

Regarding claim 19, the control apparatus using the mobile communication terminal according to claim 10, wherein Wells further discloses said input portion, having a connection port for inserting said mobile communication terminal, reads personal information from said mobile communication terminal inserted into said connection port (col. 23, lines 9-16).

Regarding claims 11 and 20, please see the rejection to claims 10 and 19 above, respectively, to reject claims 11 and 20.

Regarding claim 21, Wells discloses a control apparatus, using a mobile communication terminal (Fig. 1, 125), comprising:

a coin operable game play portion (Fig. 1, 109), having at least a game start approval button, which enables a game play according to personal information (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67);

an input portion, for inputting personal information through a mobile communication terminal, enabling to make a call (col. 9, line 52 – col. 10, line 21); and

a control portion (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15), which makes a call to an accounting center (Fig. 4, 410) and actuates a game credit switch disposed within said game play portion, to enable the game play by said game play portion so that said game play portion is operable without the use of coins (col. 8, lines 47-55), when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal, wherein said accounting center inherently bills corresponding to said call made by operating said game start approval button (col. 23, lines 48-65).

Regarding claim 22, Wells discloses a control apparatus, using a mobile communication terminal (Fig. 1, 125), comprising:

a coin operable game play portion (Fig. 1, 109), having at least a game start approval button, which enables a game play according to personal information (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67);

an input portion, for inputting personal information through a mobile communication terminal, enabling to make a call (col. 9, line 52 – col. 10, line 21); and

a control portion (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15), which makes a call to an information service center (Fig. 4, 430) and actuates a game credit switch disposed within said game play portion, to enable the game play by said game play portion so that said game play portion is operable without the use of coins (col. 8, lines 47-55), when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal, wherein said information service center inherently bills corresponding to said call made by operating said game start approval button (col. 21, lines 38-56; col. 23, lines 48-65).

Regarding claim 23, please see claim 22 above, to reject claim 23.

Regarding claim 24, Wells discloses a control method, using a mobile communication terminal (Fig. 1, 125), comprising:

a coin operable game play portion (Fig. 1, 109), having at least a game start approval button, which enables a game play according to personal information (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67);



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an input portion, for inputting personal information through a mobile communication terminal, capable of being connected to the Internet (col. 9, line 52 – col. 10, line 21; col. 22, lines 52-58);

and

a control portion (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15), which inherently makes a call to an Internet service provider (col. 24, lines 20-31) and actuates a game credit switch disposed within said game play portion, to enable the game play by said game play portion so that said game play portion is operable without the use of coins (col. 8, lines 47-55), when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal, wherein said Internet service provider inherently bills corresponding to said call made by operating said game start approval button (col. 23, lines 48-65).

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***Response to Arguments***

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
5. Accordingly, this action is **NON-FINAL**.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
  - U.S. Patent Application Publication No. 2005/0101383 by Wells discloses a game machine using a mobile device comprising a game play portion
7. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

November 28, 2005

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600